

REMARKS

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 31-38 recite allowable subject matter.

Amendments

Claims 1-2 and 6-8 are cancelled. Claim 3 is amended to be in independent form and to incorporate the recitation of claim 31, and thus is now in condition for allowance. Claims 4-5, 28, and 31 are amended to be dependent on claim 3, and to be consistent with the language thereof. New claims 39-50 are directed to further aspects of the claimed invention. See, e.g., page 40, lines 18-23, page 41, lines 17-19, page 41, lines 25-26, page 42, lines 1-2, page 42, lines 9-12, page 42, lines 18-21, page 59, line 30 and page 60, line 20.

Withdrawn claims 13-21, 23-25, 27, 29, and 30 are cancelled. All pending claims now depend from claim 3, which incorporates the subject matter indicated as being allowable. Thus, all claims are now in condition for allowance.

Improper Markush Rejection

Claims 1-8, 10, 11, 28, and 31-38 are rejected as allegedly exhibiting improper Markush groups. This rejection is respectfully traversed.

Contrary to the assertion in the rejection, the test set forth in *In re Harnisch*, 206 USPQ 300 (CCPA 1980), as to whether a Markush group is proper is: (1) whether the compounds share a common property and (2) whether their grouping is not repugnant to scientific classification. The rejection fails to demonstrate how, for example, applicant's claim 3 does not meet this test.

In the rejection, it is asserted that A, L, L', M, and B' are improper Markush groups. Of these groups, only group A is present in applicants' claim 3 (which is not the same as group A in formula I). Group A in claim 3 is defined as alkyl, alkenyl, cycloalkyl, alkylenecycloalkyl, alkoxy and alkoxyalkyl. No rationale is presented in the rejection as to why this grouping would be repugnant to scientific classification.

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In view of the above, withdrawal of the rejection is respectfully requested.

Rejection under 35 USC §112, second paragraph

Claims 1-8, 11, and 28 are rejected as allegedly being indefinite. This rejection is respectfully traversed.

In the rejection, the term “bivalent glycine amide moiety, or a derivative thereof” is objected to. The amended claims do not recite this term.

Claim 3 as amended refers to a compound rather than “compounds.” However, the recitation of “compounds according to claim 1” is sufficiently definite to one of ordinary skill in the art, and no reason is presented in the rejection as to why this term would be indefinite.

Claims 3-4 no longer depend from claim 1, and claims 6-8 are cancelled. The rejection alleges that the language of claim 11 is confusing, but no explanation is provided. Applicants submit that the claim language is sufficiently clear. Claim 28 is amended to depend from claim 3, which depict formula II.

In view of the above remarks, withdrawal of the rejection is respectfully requested.

Rejections under 35 USC §102(b) in view of Aquino et al. and Li et al.

These rejections are not applied against applicants’ claim 31, which was acknowledged to recite allowable subject matter. As noted above, claim 3 is amended to incorporate the recitation of claim 31. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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